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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/001,261	11/01/2001	Charles G. Williamson	09741620/0205	8360

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EXAMINER

PHAM, THOMAS K

ART UNIT	PAPER NUMBER
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2121

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/001,261

Applicant(s)

WILLIAMSON, CHARLES G.

Examiner

Thomas K Pham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 12-21 and 23-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-21, 23-33 and 34-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) ♦
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Response to Amendment

1. This action is in response to the after final amendment filed on 9/10/2004.
2. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn. However, they are moot in view of the new ground(s) of rejection.
3. Upon coming across the restriction requirement made by previous examiner, examiner feels that the restriction requirement was not necessary since the claims are representing the same invention. Therefore, the restriction requirement has been reversed.
4. Claims 1-10, 12-21, 23-33 and 34-43 are now pending in the application.

Quotations of U.S. Code Title 35

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim Rejections - 35 USC § 102

7. Claims 1-5, 7 and 9-10 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent no. 5,521,445 ("Letorey").

Regarding claim 1

Letorey teaches an apparatus, comprising:

- a coffeemaker (col. 2 lines 62-66, "the user desires to use ... said wake up time");
- a clock with a plurality of timers (col. 1 lines 43-51, "the device is characterized ... programmed absolute time");
- a controller with a communication path to the clock (fig. 1, element 6); and
- a network interface connected to the communication path in receipt of a plurality of timer

settings that are set in the clock by the controller that controls the coffeemaker (col. 2 lines 54-64, "To permit the transmission ... said wake up time").

Regarding claim 2

Letorey teaches the controller forms a message that contains a state of the coffeemaker (col. 2 lines 30-32, "control means 10 ... for starting the apparatus 2") .

Regarding claim 3

Letorey teaches the state of the coffeemaker is a not ready state upon the plurality of timer settings being set (col. 2 lines 33-35, "an inactive state ... absence of such coincident").

Regarding claim 4

Letorey teaches a button that when selected results in the state of the coffeemaker being in a ready to brew state (col. 2 lines 30-33, "control means 10 ... absolute time").

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Regarding claim 5

Letorey teaches a brew timer is set upon a time kept by the clock matching one of the plurality of timer settings and results in the state of the coffeemaker apparatus being in a brewing state (col. 3 lines 2-8, “programming by correction means ... after the wake up time”).

Regarding claim 7

Letorey teaches a memory that stores the plurality of timer settings (col. 2 lines 45-47, “the programming means 6 ... the relative time”).

Regarding claims 9 and 10

Letorey a display in communication with the clock over the communication path that displays a time and state on the display (abstract).

Claim Rejections - 35 USC § 103

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent no. 5,521,445 (“Letorey”).

Regarding claim 6

Letorey does not teach a warming plate that is turned off upon the expiration of a warming timer that is set upon the expiration of the brew timer and results in the state of the coffeemaker being a coffee ready state. However, it would have been obvious to one of ordinary skill in the art for having the warming plate deactivate from any heating element because the timer has expired from warming and no indication of another brewing period has been received by the controller.

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8. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Letorey in view of U.S. Patent no. 5,848,028 ("Burklin").

Regarding claim 8

Letorey teaches the network interface with the coffeemaker appliance but does not teach a time synchronization message having a time that is received by the network interface and results in the clock being set to the time in the time synchronization message. However, Burklin teaches receiving a time synchronization message at the network interface (col. 4 lines 10-20, "an internal device ... of time information.") and setting the clock in response to the time synchronization message (col. 4 lines 24-34, "Incoming time information ... may be included."). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the synchronization information of Burklin with the network of appliances of Letorey because it would provide for synchronizing clocks of a plurality of devices connected to a network in order to exchange data more effectively and accurately within a network.

9. Claims 12-14, 23-25 and 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent no. 5,521,445 ("Letorey") in view of U.S. Patent No. 5,877,957 ("Bennett").

Regarding claims 12, 23 and 34

Letorey teaches receiving at a coffeemaker apparatus with a network interface at least one timer settings at the network interface (col. 1 lines 43-51, "the device is characterized ... programmed absolute time"); setting a clock with the at least one timer settings (col. 2 lines 24-30, "at least one master ... the absolute time"); setting a state of the coffeemaker apparatus (col. 2 lines 36-

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39, “the control means 10 ... fix a relative time”). Letorey does not teach formatting a state message containing the state; and transmitting the state message from the network interface for reception by another device. However, Bennett teaches an automation system for programming appliances formatting a state message containing the state (col. 6 lines 10-14, “The programmable outlet 17 ... appliance 19 has changed states”); and transmitting the state message from the network interface for reception by another device (col. 5 lines 63-66, “The programmable device 14 ... to control its operation”) for the purpose of transmitting the programmed state of the at least one appliance. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the state message of Bennett with the device of Letorey because it would provide for the purpose of transmitting the programmed state of the at least one appliance.

Regarding claims 13, 24 and 35

Letorey teaches setting the state of the coffeemaker apparatus to a not ready state upon the setting of the clock with the at least one timer settings (col. 2 lines 33-35, “an inactive state ... of such coincidence”).

Regarding claims 14, 25 and 36

Letorey teaches signaling from an input device on the coffeemaker apparatus and setting the state of the coffeemaker apparatus to a ready to brew state in response to the signaling of the input device (col. 2 lines 62-65, “the user desires ... wake up time”).

10. Claims 15-19, 26-30 and 37-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Letorey in view of Bennett and further in view of U.S. Patent no. 4,980,540 (“Vancha”).

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Regarding claims 15, 26 and 37

Letorey and Bennett teaches setting the state of the coffeemaker apparatus to a brewing state but does not teach the identification that the clock has reached one of the at least one timer settings; and initializing a brew timer to a predetermined time value. However, Vancha teaches the identification that the clock has reached a timer setting (col. 3 lines 17-19, “The electronic timer 115 ... the brewing time”); initializing a brew timer to a predetermined time value (col. 3 lines 20-21, “Momentary switch 117 ... a predetermine time”). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the internal electronic timer of Vancha with the automation system of Letorey and Bennett because it would provide for activating the functions of the coffee making machine remotely by synchronized the network timers and the coffee maker’s internal clock.

Regarding claims 16, 27 and 38

Vancha teaches the identification that brew timer has expired (col. 3 lines 22-23, “momentary switch 119 ... time has expired”); setting a warming timer in response to the brew timer expiring (col. 9 lines 22-28, “if coffee sits in ... tend to change”). It would have been obvious to have a state change to a coffee ready state when the brew timer expired because the coffee is in fact ready for use.

Regarding claims 17, 28 and 39

Vancha teaches the identification that the warming timer has expired and changing the state of the coffeemaker apparatus to a not ready state in response to the expiration of the warming timer (col. 9 lines 32-36, “many operators find ... its consumption life”).

Regarding claims 18, 29 and 40

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Letorey, Bennett and Vancha do not teach the deactivating a warming plate in response to expiration of the warming timer. However, it would have been obvious to one of ordinary skill in the art for having the warming plate deactivate from any heating element because the timer has expired from warming and no indication of another brewing period has been received by the controller.

Regarding claims 19, 30 and 41

Letorey teaches displaying on a display a time from the clock (abstract).

11. Claims 20, 31 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Letorey in view of Bennett and further in view of et al. U.S. Patent no. 6,587,739 (“Abrams”).

Regarding claims 20, 31 and 42

Letorey and Bennett do not teach displaying on a display a state of the coffeemaker appliance. However, Abrams et al. teaches the status information of the coffeemaker appliance is displaying on a display (col. 16 lines 4-7, “a display 262 ... displaying status information”). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the display of Abrams with the network of appliances of Letorey and Bennett because it would provide for showing the status of the coffee appliance during the brewing process in order to allow users aware of each state as the process happened.

12. Claims 21, 32 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Letorey in view of Bennett and further in view of U.S. Patent no. 5,848,028 (“Burklin”).

Regarding claims 21, 32 and 43

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Letorey and Bennett teach the network interface with the coffeemaker appliance but do not teach receiving a time synchronization message at the network interface and setting the clock in response to the time synchronization message. However, Burklin teaches receiving a time synchronization message at the network interface (col. 4 lines 10-20, "an internal device ... of time information.") and setting the clock in response to the time synchronization message (col. 4 lines 24-34, "Incoming time information ... may be included."). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the synchronization information of Burklin with the network of appliances of Letorey and Bennett because it would provide for synchronizing clocks of a plurality of devices connected to a network in order to exchange data more effectively and accurately within a network.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thomas Pham*; whose telephone number is (571) 272-3689, Monday - Friday from 8:00 AM - 5:00 PM EST or contact Supervisor *Mr. Anthony Knight* at (571) 272-3687.

Any response to this office action should be mailed to: **Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450**. Responses may also be faxed to the **official fax number (703) 872- 9306**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thomas Pham
Patent Examiner

TP

October 29, 2004



Anthony Knight
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